



San Diego City Attorney CASEY GWINN

NEWS RELEASE

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PROPOSITION K MOVES FORWARD STATEMENT BY CITY ATTORNEY CASEY GWINN

Federal District Judge Gordon Thompson, Jr., ruled this afternoon that the City of San Diego retains ownership of the Mt. Soledad property, which is the subject of Proposition K on the November ballot. The Court agreed with the City that the 1998 sale of one-half acre of Mt. Soledad property was voided by the decision of the Ninth Circuit Court of Appeal; therefore, the property lawfully belongs to the City and is available for a new sale to the highest bidder subject to approval of Proposition K by the voters.

The highest bidder becomes the new owner of the property and will decide whether the cross stays or goes. Proposition K also preserves the Mt. Soledad Memorial Association's current memorial walls and related improvements by providing for a long term lease at fair-market value between the Association and the City for the land the Association purchased in 1998. However, the new lease will specify that the Association has no rights to the cross should a subsequent purchaser of the land want to remove the cross. A two-thirds vote is needed to pass the proposition.

Plaintiff Philip Paulson had filed a motion with the Court to permit the relocation of the Mt. Soledad cross without the City's permission, which in effect would have voided the public vote on the sale of the property.

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